

11 VICTIM/WITNESS NOTIFICATION AND SERVICES

OVERVIEW OF CHAPTER CONTENTS

PRIMARY TOPICS COVERED IN THIS CHAPTER (READ ACROSS)

- Individuals Eligible To Request Notification
- Circumstances Requiring Notification
- Prior to Leaving a JCI
- Prior to Movement within the Community
- Verbal Notification of Victim
- When a Youth Goes to Court
- Victim/Witness Access to SORP Registry
- Request for Notification Process
- Notification Procedures: Overview
- Prior to Expiration/Administrative Discharge
- Upon Escape
- Prior to Furlough
- Notification of Extension of Supervision
- Victim/Witness Services

FORMS DISCUSSED IN THIS CHAPTER:

- Action Needed Request (DOC-1734)
- Department Order (DOC-1722A)
- Victim Statement
- Rights of Victims of Crimes (sample)
- Juvenile Release Authorization (DOC-1788)
- Victim Witness Notification Program (DOC-1717)
- Cover Letter for Youth Apology Letter

DOC-1722a and DOC-1734 must be completed in JJIS. The DOC-1788 and DOC-1717 can be accessed in MyDOC. CMM holders may print a copy from MyDOC and place in CMM. When completing a form, check MyDOC to be certain that the current version is being used.

INDIVIDUALS ELIGIBLE TO REQUEST NOTIFICATION

The following parties may request notification:

- An **adult victim** of an act for which a youth has been found delinquent.
- **Parent/guardian of a minor victim.**
- Adult **family member of a victim who died** as a result of the delinquent youth's act.
- **Witness who testified against** the youth in court.

REQUEST FOR NOTIFICATION PROCESS

DISTRICT ATTORNEY

District Attorney in the committing county **provides the victim/witness with a Victim/Witness Notification Program (DOC-1717) form.** Additionally, the victim receives a Rights of Victims of Crimes Committed by Juveniles notice.

ELIGIBLE INDIVIDUAL

The person requesting notification **completes the DOC-1717** and sends it to OJOR Central Office. In the case of a delinquent youth required to register as a sex offender, the Sex Offender Registry Program also receives notice of the request. [see Chapter 22]

Sex offender registration imposed: In the case of a juvenile sex offender with a registered victim, whose stayed registration is imposed by the court, the DOC victim services office should be notified by the reintegration social worker (if youth is in a JCI) or field agent (if youth is in the community) so that the victim may be given the opportunity to sign up for VOICE notification.

OJOR CENTRAL OFFICE

- Sends the victim/witness a **letter acknowledging receipt of the DOC-1717** and a **Victim Statement** to complete, and informs the victim/witness of the notification process.
- Sends a **copy of the letter** described above to the **Victim/Witness Coordinator** in the District Attorney's office in the youth's committing county.
- **Informs OJOR local, the OOA, and state or county agent** of the receipt of the DOC-1717.
- **Stamps** the youth's **OJOR file** to indicate notification is required.
- Sends a monthly **list of victim/witness names** and their phone numbers to the JCI superintendents and field supervisors.
- Maintains an **Apology Letter Bank** of non-court ordered letters that are sent to youths' victims upon their request. Notes when victims indicate on the DOC-1717 that they are interested in receiving an apology letter.

THE OOA

- **Stamps the youth's Social Services** file noting the existence of a victim/witness notification request.
- Marks the Face Sheet (DOC-1701) to indicate that victim notification is required if that information is known at the time the form is completed.

CIRCUMSTANCES REQUIRING NOTIFICATION

FIVE CRITICAL TIMES

The victim notification subsection of the Juvenile Justice Code in s. 938.51, Stats., requires DOC to notify victims and others who request such notification, upon the occurrence of the first four critical events listed below:

- Youth leaves a JCI on community supervision [see Chapter 10]
- DJC supervision terminates due to expiration or administrative discharge [see Chapter 18]
- Release from a Residential Care Center, including a Type 2 RCC, when youth adjudicated for certain offenses
- Escape from a JCI or a Type 2 juvenile correctional facility, or from a Residential Care Center when youth adjudicated for certain offenses
- Furlough: Although not required by statute, DJC notifies a victim/witness when a youth leaves the JCI on a furlough. [see Chapter 8]

NOTIFICATION PROCEDURES: OVERVIEW




According to the law, DJC shall provide **written notification** to individuals with a request card on file **at least 15 days prior to the youth's release, transfer, start of a trial visit, expiration or discharge**. The law states that movement of a youth will not be "prejudiced" if DJC does not provide notification at least 15 days prior to the movement.

By DJC policy, the Juvenile Release Authorization form (DOC-1788) or other appropriate form, e.g., the Noticed of Release of Youth from Community Supervision (DOC-1626) or Action Needed Request (DOC-1734), must be completed in a timely manner to allow 15 days notice to be provided to a victim/witness. Not adhering to the 15 day requirement should be the exception, not the practice.

However, with substantiation by the agent or social worker as to why the notice could not be provided within the legally required 15 days and supervisory approval, the document resulting in victim/witness notification can be completed 5 days (excluding weekends and holidays) prior to the movement of the youth or the date may have to be re-scheduled.

PRIOR TO TRIAL VISIT, RELEASE OR ADMINISTRATIVE TRANSFER FROM A JCI



PRELIMINARY NOTICE BY OJOR

-  In most cases, OJOR issues a Department Order (DOC-1722a) making the youth **eligible for release/transfer** or for a trial visit more than 15 days prior to the expected date of departure from the JCI. The eligibility decision is made at a formal conference, routine review or as a result of OJOR receiving an Action Needed Request (DOC-1734) from a JPRC member, or a DOC-1788 from an agent.
-  OJOR sends a letter to the victim/witness informing him or her of the eligibility decision whether or not the exact date of the placement is known.
-  OJOR eligibility notification demonstrates the good faith effort of DJC to comply with the legally required "at least 15 days" notification.

RESPONSIBILITIES OF DJC OR COUNTY AGENT WHEN ASSIGNED

As soon as the movement date is known, the **agent** completes and faxes the **Juvenile Release Authorization** (DOC-1788) to OJOR CO and local, the OOA, committing county and the social worker in a timely fashion to enable OJOR CO to issue the DOC-1722a, and send a letter to the victim/witness of the youth's departure date.

RESPONSIBILITIES OF OJOR (DATE IS KNOWN)

-  When the exact placement date becomes available via a DOC-1734 or DOC-1788, OJOR issues a second DOC-1722a [see Chapter 5] containing the exact date of the youth's return to the community.
-  OJOR CO **sends a notification letter** to the victim/witness indicating the date the youth will leave the JCI for a trial visit, release to aftercare or administrative transfer to type 2 status.



In the case of a failed trial visit, OJOR CO notifies the victim/witness by letter if the youth does not successfully complete a trial visit. The Doc-1722a placing the youth in the community for the trial visit is rescinded.

PLACEMENT DATE IS NOT KNOWN AT LEAST 15 DAYS IN ADVANCE

An agent or social worker **may experience difficulty obtaining the actual release or administrative transfer date at least 15 days in advance.** For example, the foster or group home staff where the youth will be placed may not provide DJC with the exact date until shortly before the movement date.



When the placement date is not known until less than 15 days prior to the youth's departure from the JCI, the agent or social worker **makes a notation** in the youth's file as to why the notice cannot be given in a timely manner and **obtains supervisory approval.**



Agent completes and sends the DOC-1788, or the social worker completes the DOC-1734 in JJIS, the first working day after the placement date becomes available. [see Chapter 10]

PRIOR TO EXPIRATION OR ADMINISTRATIVE DISCHARGE

In most cases, the **notification of a youth's expiration can be provided in compliance with the law** because DJC knows that date well in advance. The social worker or agent must inform OJOR in a timely manner so that OJOR can forward the notification letter to the victim/witness at least 15 days before the youth leaves the JCI. [see Chapter 18]

As soon as the date of **administrative discharge** is known, the social worker or agent must notify OJOR to assist OJOR in providing required notification. If the youth is being transferred to an adult correctional facility due to conviction and sentencing on a new charge, the movement may occur suddenly. The notice should be provided as soon as possible. [see Chapter 18]

PRIOR TO MOVEMENT IN THE COMMUNITY: RESIDENTIAL CARE CENTERS AND TYPE 2 RESIDENTIAL CARE CENTERS

NOTIFICATION REQUIREMENT

Applies to youth **adjudicated** delinquent for the **following offenses**:

- Any offense in chapter 940, Stats., Crimes-Life and Bodily Security
- Section 948.02, Stats., Sexual Assault of a Child
- Section 948.025, Stats., Repeated Acts of Sexual Assault of the Same Child
- Section 948.03, Stats., Physical Abuse of a Child

RESPONSIBILITIES OF AGENT

Agent notifies OJOR CO **at least 15 days, whenever possible, prior to the planned movement** of the youth. The minimum notice to OJOR CO is 5 working days prior to the youth's movement from a RCC to a different placement. The **minimum time frame** should be used **only** when relevant information is not known earlier. The agent must document in the youth's file the reason for non-compliance with the notification requirement.

RESPONSIBILITIES OF OJOR CO

OJOR sends the **notification letter** to the victim/witness subsequent to receiving notification from the agent. This should occur at least 15 days prior to the youth's movement.

UPON ESCAPE FROM A JCI, TYPE 2 FACILITY, OR RESIDENTIAL CARE CENTER**DEFINITION OF ESCAPE**

A youth is considered to have escaped if the youth

- Leaves an assigned area without permission
- Fails to return within 12 hours of the expiration of an approved leave.

CONTACT BY TELEPHONE

- If a youth escapes from a **JCI**, the **superintendent/designee calls** the victim/witness after the escape is discovered. Escapes from trial visits and furloughs while on type 1 status are considered escapes from a JCI.
- If a youth escapes from a **type 2 facility** (YCSP, SJO, or a type 2 RCC), the **regional chief/designee calls** the victim/witness after the discovery of the escape.
- If a youth escapes from a Residential Care Center and committed an offense listed in the "Prior to Movement in the Community: RCC" section above, the **regional chief/designee calls** the victim/witness after the discovery of the escape.
- The call generally should be placed no more than two hours after the superintendent, chief or designee is informed about the escape. This period may be extended up to 12 hours in order for the designated staff person to obtain additional information that would be helpful to the victim, or if the call otherwise would occur between the hours of 9:00 p.m. and 8:00 a.m.

OTHER EFFORTS TO CONTACT VICTIM/WITNESS

- If the designated staff person **cannot reach the victim/witness by telephone** because it is out of service or disconnected, or the person does not answer the telephone after a few attempts, the staff person who attempted to place the call requests OJOR-Central Office to generate and mail **a letter to the victim/witness to the last known address**.
- If the designated staff person reaches an answering machine, a message should be left including the staff person's name, phone number and the best time to call back. State that you are calling from the Department of Corrections and have information requested by the person.
- Other steps staff may take to obtain a current address and/or phone number include contacting Directory Assistance, OJOR CO, or the Victim/Witness Coordinator in the committing county. The County Victim Witness Coordinator List is available in "DJC CMM" in the "Groups Folder". In Milwaukee County contact with the Victim/Witness Coordinator should be made through the DJC liaison to Milwaukee County Children's Court Center.

DOCUMENTATION

Responsible staff **document all of the attempts to reach** the victim/witness.

APPREHENSION OF YOUTH

The superintendent/regional chief or designee **calls the victim/witness if the youth is apprehended**. If the victim/witness cannot be contacted by telephone, the superintendent/regional chief or designee contacts OJOR-Central Office to request that a letter notifying the individual of the apprehension be generated and mailed.

VERBAL VICTIM NOTIFICATION GUIDELINES

CALLING GUIDELINES



Ask to Speak to the Person Who Has Registered for Notification

“May I please speak with _____?” (full name of person registered).

If the person answering the phone informs you that the registered person is not there, identify yourself and ask if you can reach the registered individual at another number and when would be the best time to reach him or her.

If another person answers the phone and calls the registered individual to the phone, verify that you are speaking to the proper person by asking, “Is this (full name of person registered)?”

Identify Yourself

- State your full name, job title, and that you work for Department of Corrections, Division of Juvenile Corrections
- State that, “You requested notification regarding (name of youth).”
- Explain that you are **calling because the youth has escaped**.

Explain what information you can share

- **Date and time** youth escaped
- **Type of placement, not actual address**, from which youth escaped – May mention the municipality or county from which the youth escaped
- **DO NOT discuss confidential information** such as treatment, services or other programming youth has been receiving
- Re-assure the individual that you **will notify them if/when the youth is located**
- Provide the individual with the **phone number of a DJC contact** in case he or she has questions/concerns or information to report in the future

Ask if the individual has any concerns about his or her safety

- **Listen** carefully to the individual
- **Explore safety options** if he or she wishes to do so
 - ✓ At a minimum, inform the individual that he or she can call local law enforcement about the situation and provide the phone number.
 - ✓ Discuss other local resources which may be helpful.

- ✓ Explore safety planning as appropriate. DJC's goal is to listen to the individual's concerns about safety and offer suggestions, but try not to unduly alarm the individual; i.e., assist the individual to evaluate and weigh risks.
- ✓ Advise that in the event of an emergency or concern about immediate safety, the individual should call local law enforcement. Either provide that local phone number, or suggest that he or she call 911 where available.

Close the conversation

- Ask if there is anything else the person wishes to discuss.
- Remind the individual of your name and phone number, or the name and phone number of a DJC contact person if it will not be you.
- Reassure the individual that you or another **contact person will be available if she or he has any questions or concerns, or wants to provide information.**
- If the individual has financial concerns because the call would be long distance, offer to call the individual in a week as a follow-up. Suggest also providing the DJC toll-free number in case long distance charges are problematic.

TIPS TO FOLLOW WHEN CALLING

When calling to notify a victim/witness that a youth has escaped, the following may be helpful:

- **Relax** and be yourself
- Be **professional**: don't be overly casual about the call
- Be **honest** about what you can and cannot do, and what you can and cannot say



- **Listen** to the individual
- Provide verbal **support** during the call
- **Remember that Fear is Real even if the Danger is only Perceived**

PRIOR TO A FURLOUGH

The designated social worker at a JCI **telephones the victim/witness** before a youth leaves a JCI on a furlough.

WHEN A YOUTH GOES TO A COURT HEARING

Social workers and agents must be especially careful to **track a youth who goes to a court hearing** for one of the following reasons:

- An adult charge when the youth's juvenile supervision order is nearing expiration.
- A DJC petition for extension of the youth's supervision when the existing court order is close to expiration.
- A petition by a youth to terminate DJC supervision.



In these situations, the **court could immediately terminate DJC supervision**. The social worker or agent **informs OJOR CO** as soon as the court makes a decision regarding the expiration date. OJOR CO may immediately telephone the victim/witness, with a notification request on file, to inform the victim/ witness of the youth's expiration of supervision.

VICTIM/WITNESS ACCESS TO SORP REGISTRY

VINE AND VOICE

An eligible person, victim, witness and/or certain family members, who have enrolled with the **DOC Office of Victim Services and Programs**, have access to information regarding youth who are required to register with the Sex Offender Registry via two automated systems: **Victim Information and Notification Everyday (VINE)** at 1-800-398-2403 and the **VOICE for Victims** Web site at www.WIVictimsVOICE.org. The Office of Victim Services and Programs staff can be reached Monday through Friday at 1-800-947-5777 should you have questions or concerns.

An enrolled person can obtain a considerable amount of **information about the juvenile sex offender**. The registry **includes juveniles adjudicated or convicted for a felony sex offense** at any age. [see chapter 22] The enrolled person may not re-disclose the confidential juvenile information to anyone unless specifically authorized by DOC.

VICTIM AND WITNESS SERVICES

COORDINATION OF SERVICES WITHIN DJC

DJC has established a structure to coordinate services to a victim/witness beyond the legally required notification of a youth's release, transfer, escape, expiration or discharge. The structure encourages staff to focus on victim and witness issues on an ongoing basis.

DJC superintendents and regional chiefs designate a staff member to assume responsibility for coordinating the delivery of the victim/witness services. Each JCI and regional office may establish a Victim Services Committee to advise the designated person.

Page 11:11 is a summary of victim rights in Wisconsin, originally prepared by Dane County. It is included as a resource for DJC staff persons called upon to work with or provide services to victims, so that the Division can help victims access the rights afforded to them by the state Constitution and statutes.

VICTIM SERVICES

Response to a Victim Statement

A victim may submit a written victim statement to OJOR CO. **OJOR CO forwards copies of a victim statement** to the appropriate point of contact, social worker, regional chief, agent and OJOR reviewer.

When a youth is in a JCI, agent and social worker consult by telephone to discuss the victim statement and the possible responses to it. When the youth is under community supervision, the agent consults with his or her supervisor to determine the proper response to the statement.

Contact by Youth with a Victim

Written Letter

- ✓ Not court-ordered. A youth may apologize to a victim by writing a letter. The assigned social worker reviews the letter, asks other staff to review per JCI policy and distributes copies to the youth's SS file, committing county (JCI liaison or case worker) and agent.
- ✓ An apology letter not ordered by the court should be sent by the social worker to OJOR Central Office for filing in the DJC Apology Letter Bank. Victims may request to have OJOR inform them as to whether a youth wrote an apology letter and, if a letter exists, to provide them with a copy of the letter.
- ✓ Court-ordered. If court ordered the youth to write the letter of apology, the social worker sends a copy to the committing court with a cover letter including the information in the sample cover letter provided at the end of this chapter.
- ✓ For court-ordered apology letters, the reintegration social worker mails the cover and apology letters to the Victim/Witness Coordinator in the committing county who then decides whether to send the letter to the victim. The County Victim Witness Coordinator List is available in "DJC CMM" in the "Groups Folder".

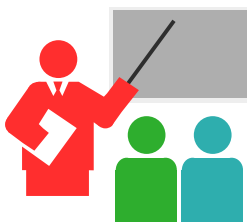
• Victim Initiated Dialogue

- ✓ A **youth may not initiate the request** for conferencing with the victim. Only the victim (or the victim's family, in the case of a minor or deceased victim) can initiate the request.
- ✓ If a **victim expresses interest** in having contact via conferencing with the youth, the youth's treatment team, clinician (if assigned), victim services point of contact person and section manager discuss the request for the victim/youth dialogue.
- ✓ Staff seriously consider the victim's request coupled with the fact that the preparation process can be a lengthy process for the victim and the youth. Often the preparation is done while the youth is in the JCI, and the dialogue session takes place after the youth has been released.
- ✓ If DJC staff decide to explore the feasibility of conferencing, the assigned social worker calls the Office of Victim Services and Programs at 1-800-947-5777. OVSP works with both the University of Wisconsin Law School's Frank J. Remington Center and Marquette University Law School Restorative Justice Initiative to obtain a facilitator for the Victim Offender Dialogue process.

VICTIM IMPACT PROGRAMMING

A youth's ICP may direct that he or she participate in victim impact programming as defined by the JCI and/or community corrections office. [See Chapter 7]

STAFF TRAINING



The point of contact in a JCI and in the community on an on-going basis assess staff need for and provide training regarding victim issues and provide that training. The DOC Office of Victim Services and Programs is also a resource for training and technical assistance.

COVER LETTER FOR APOLOGY LETTER

The following cover letter should be placed on the appropriate institution letterhead.

(Date)

(Name of Victim/Witness Coordinator)

(Street Address)

(City, State Zip Code)

Re: (Name of Youth), (J-number)

(Court Case Number)

Dear Mr./Ms. Last Name of Coordinator:

Enclosed is an apology letter written by the above named youth. The apology letter was court ordered. A copy has been sent to the committing court along with this cover letter.

As the youth's assigned social worker, I have reviewed the apology letter written by this youth. However, the apology letter has not been sent to the victim/witness. Therefore, I am enclosing the letter so you may forward the letter to the victim or take any action that would be in the best interest of the victim/witness.

If you have any questions or concerns regarding the enclosed apology letter or any victim-related matter involving this youth, please call me at (000) 000-0000.

Sincerely,

(Name of Social Worker)

Social Worker, (Name of Institution)

Enclosure

cc: Agent

RIGHTS OF VICTIMS OF CRIMES COMMITTED BY JUVENILES

In addition to your rights to confer with an intake worker, to submit a victim impact statement, and to request restitution, victims of crimes committed by juveniles have the following rights.

1. You may learn the name and address of the juvenile and his/her parents and may obtain information from the juvenile's police records.

Contact the law enforcement agency that investigated the offense; their policy will determine what information may be shared with you. (This information will be disclosed to you to assist you in the exercise of your rights as a victim under the Wisconsin Constitution and state statute [938.346]. Because this is a juvenile case, any further disclosure by you to persons, unless authorized by law or order of the court, may subject you to CONTEMPT OF COURT which is punishable by a fine and/or imprisonment.)

2. You have the option of pursuing restitution in civil court.

The juvenile's parents may be held liable for personal injury damages, damages to property, and for the value of un-recovered stolen property. Parental liability may not exceed \$5000 for damages resulting from any one act of the juvenile plus reasonable attorney fees and costs. Contact the county small claims court for information regarding a civil action.

3. You may be accompanied by a service representative at all hearings, depositions, court proceeding and related interviews and meetings.

(A service representative is an individual member of an organization or victim assistance program.)

4. You may apply for financial assistance from the state Department of Justice, Crime Victim Compensation Program, for financial losses (excluding property losses) resulting from a violent crime. (Claims must be filed within one year of the date of the crime and the crime must have been reported to law enforcement within 5 days.) More information is available at 1-800-446-6564 or on-line at the Department of Justice Web site <http://www.doj.state.wi.us/cvs/>

5. You have the right to a speedy disposition of the case.

6. You have the right to have assistance with property being returned when it is no longer needed as evidence.

7. You may contact the state Department of Justice Office of Crime Victim Services, WI Victim Resource Center at 1-800-446-6564 regarding any concerns you have about your treatment as a crime victim.